

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

HANS MOKE NIEMANN,

Plaintiff,

vs.

SVEN MAGNUS ØEN CARLSEN A/K/A
MAGNUS CARLSEN, PLAY MAGNUS AS
D/B/A PLAY MAGNUS GROUP, CHESS.COM,
LLC, DANIEL RENSCH A/K/A “DANNY”
RENSCH, AND HIKARU NAKAMURA,

Defendants.

Case No. 4:22-cv-01110-AGF

Hon. Audrey G. Fleissig

CHESS.COM, LLC’S NOTICE OF COMPLIANCE

COMES NOW, Chess.com, LLC (“Chess.com”) and respectfully notifies the Court that it has fully complied with the Court’s March 22, 2023 Order. In support of its notification, Chess.com states as follows:

1. On March 22, 2023, the Court granted in part and denied in part Plaintiff Hans Moke Niemann’s (“Niemann’s”) Motion for Leave to Conduct Jurisdictional Discovery and, Alternatively, to Amend Order to Permit Appeal and authorized limited jurisdictional discovery to address the citizenship of Chess.com. ECF No. 114.

2. While Niemann issued jurisdictional discovery directed at Chess.com only, Chess.com, through its counsel, nevertheless endeavored to assist Niemann in eliciting information from its members and sub-members regarding the citizenship of their respective members and sub-members. This step was taken to conserve resources, potentially obviating the need for Niemann to issue third-party discovery to hundreds (or even thousands) of indirect owners of Chess.com.

3. In the course of that further investigation, counsel for Chess.com requested that General Atlantic (CHS) Collections, LLC (together with affiliated investment funds and entities,

“General Atlantic”), one of Chess.com’s members, conduct an expedited inquiry into the citizenship of its own many members and sub-members. (General Atlantic is a large investment fund with hundreds of constituents.)

4. After several weeks of diligence by Chess.com, it was discovered that one of General Atlantic (CHS) Collections, LLC’s sub-members—an LLC located several levels above the entity investing in Chess.com—includes among the sub-member’s owners at least 10 individual members who are citizens of Connecticut. General Atlantic provided that confidential information, including the names of the entities in the relevant ownership chain and the names of the individual Connecticut citizens who are members of each sub-member at issue, under the express condition that the information would remain subject to the strictest confidentiality protections. Counsel for Chess.com then provided that information to Niemann’s counsel, who in turn requested documentary evidence of the same. General Atlantic ultimately provided documentation concerning these individuals’ entity membership and Connecticut addresses. On April 27, 2023, counsel for Chess.com produced to Niemann’s counsel—under an agreement to maintain confidentiality—the General Atlantic documents plainly evidencing that *at least* 10 Chess.com individual sub-members are citizens of Connecticut.

5. Based on this information Chess.com has learned in the course of its investigation, the Court does not have diversity jurisdiction over the parties and no further jurisdictional discovery is warranted. In particular, Niemann has pled that he is a Connecticut citizen for purposes of diversity jurisdiction. Since several ultimate owners of Chess.com are also Connecticut citizens, the Court does not have diversity jurisdiction as a matter of law.

6. Counsel for Chess.com and Niemann are, and have been, conferring in good faith to address any remaining factual concerns surrounding the diversity jurisdiction question.

DATED: May 4, 2023

Respectfully Submitted,

/s/ Nima H. Mohebbi

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Counsel for Defendant Chess.com, LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on May 4, 2023, the foregoing document was served on all counsel of record by ECF and electronic mail.

DATED: May 4, 2023

/s/ Nima H. Mohebbi
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